

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5808 OF 2003

Madrasi D. Kondaya

... Petitioner

Vs.

Sangli Municipal Corporation

... Respondents

Mrs. Smita Gaidhani for Petitioner.

Mr. N.V. Walawalkar for R. No.1 & 2.

Mr. R.M. Patne, A.G.P. for R. No. 3.

**CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : MARCH 09, 2005**

P.C.

. Rule. Heard forthwith.

. The case of the Petitioner is that the Respondents have failed to pay his terminal dues. The Petitioner was chargesheeted by chargesheet dated 20.11.1993. The Petitioner replied to the same and thereafter the Petitioner sought voluntary retirement on medical grounds. That was rejected by the Respondents by letter dated 17.8.1994. Thereafter the Petitioner by his letter dated 10.1.1995 forwarded his resignation. By letter dated 14.11.1995 the Petitioner was informed that

his request for resignation from the post of scavenger has been accepted by resolution dated 11.7.2005. The Petitioner thereafter has claimed his dues and on failure by the respondents to pay his dues, the present petition.

. In the instant case, as has been noted respondents had earlier rejected the Petitioner's request for voluntary retirement on medical ground. He has thereafter submitted resignation which has been accepted. The effect of resignation would be forfeiture of service. In these circumstances, the petitioner cannot claim any pension as sought for by him.

. However, there is sum of Rs. 11,400 towards petitioners gratuity and sum of Rs..11,659/- in the Provident Fund Account. We see no reason as to why the same amount should not be paid to him.

. In the light of the above, the following order :

. Respondent within twelve weeks from today to pay to the Petitioner, the outstanding gratuity and provident fund dues with statutory interest thereon as is payable in the case of delay in payment of gratuity and provident fund. Rule made absolute

accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)